

Article 5. Mediation

§ 50980. Confidentiality of Mediation.

- (a) Notwithstanding any other provision of law, a communication made in mediation is protected to the following extent:
 - (1) Anything said, any admission made, and any document prepared in the course of, or pursuant to, mediation under this article is a confidential communication, and a party to the mediation has a privilege to refuse to disclose and to prevent another from disclosing the communication, whether in an adjudicative proceeding, civil action, or other proceeding. This subdivision does not limit the admissibility of evidence if all parties to the proceedings consent.
 - (2) No reference to mediation proceedings, the evidence produced, or any other aspect of the mediation may be made in an adjudicative proceeding or civil action, whether as affirmative evidence, by way of impeachment, or for any other purpose.
 - (3) No mediator or interpreter or other participants are competent to testify in a subsequent administrative or civil proceeding as to any statement, conduct, decision, or order occurring at, or in conjunction with, the mediation.
- (b) Evidence otherwise admissible outside of mediation under this section is not inadmissible or protected from disclosure solely by reason of its introduction or use in mediation under this section.
- (c) Interim and final agreements in writing that result from mediation are admissible for

purposes of enforcement unless the written agreement specifies otherwise.

Authority cited: Section 4707, Welfare and Institutions Code.

Reference: Section 4711.5, Welfare and Institutions Code.

§ 50984. Continuances in Mediation.

- (a) The standard for granting a continuance request in mediation shall be good cause, as defined in Section 4712, Welfare and Institutions Code.
- (b) A continuance granted in mediation shall extend the timeline for rendering a final decision, should the matter proceed to hearing.
- (c) The extension of time for the final decision resulting from the continuance shall only be as long as the time period of the continuance.

Authority cited: Section 4707, Welfare and Institutions Code.

Reference: Sections 4710.6(c), 4711.5, and 4712, Welfare and Institutions Code.

§ 50988. Mediation Request made Subsequent to Fair Hearing Request.

- (a) A claimant may request mediation at any time prior to five days before the first day of the fair hearing.
- (b) A claimant requesting mediation after the fair hearing request has been submitted must do

so in writing. Such request may be made by submitting an amended fair hearing request form.

- (c) The written request for mediation shall be submitted to the service agency. The service agency shall immediately forward a copy of the written request for mediation to the agency responsible for conducting mediations, the Department, and the agency responsible for conducting fair hearings. The service agency shall have five days from the date of the written request for mediation to accept or reject mediation. Such decision shall be communicated immediately to the claimant and the agency responsible for conducting mediations.
- (d) Upon receipt of the written request for mediation, the agency responsible for conducting mediations shall schedule the mediation to take place within 20 days of the date of the written request. The agency shall provide notice to the claimant and service agency regarding the time, date and location of the mediation and notice to the claimant in compliance with Section 4711 of the Welfare and Institutions Code.
- (e) A mediation request made subsequent to a fair hearing request shall constitute good cause for continuing the fair hearing. In such instances, the timeline for scheduling the fair hearing and rendering a final decision shall be extended 20 days.

Authority cited: Section 4707, Welfare and Institutions Code.

Reference: Sections 4702.6, 4710.5, 4710.6, 4711, and 4711.5, Welfare and Institutions Code.

§ 50992. Miscellaneous Provisions.

- (a) The mediation shall be held at a time and place reasonably convenient to the claimant.
- (b) Mediation shall be conducted in a nonadversarial manner. Witnesses and other forms of evidence, other than to explain one party's position to the other, shall not be presented in mediation.

Authority cited: Section 4707, Welfare and Institutions Code.

Reference: Section 4711.5, Welfare and Institutions Code.

TO BE ADDED TO THE FAIR HEARING SECTION OF THE REGS:

§ 50966. Receipt of Fair Hearing Request by Office of Administrative Hearings.

- (a) Upon receipt of a fair hearing request from a claimant, service agencies shall not have the discretion to determine the appropriateness or timeliness of the fair hearing request. All fair hearing requests received by a service agency shall be immediately forwarded to the appropriate entities.
- (b) If a service agency believes that a fair hearing request raises issues that are not appropriately addressed through a fair hearing pursuant to Section 4700 et seq. of the Welfare and Institutions Code, or for other reasons does not comply with statutory requirements, the service agency may file a request to have the matter dismissed with the

agency responsible for conducting hearings. Such dismissal requests shall state the reasons for the request.

Authority cited: Section 4707, Welfare and Institutions Code.

Reference: Sections 4710.5 and 4711.5, Welfare and Institutions Code.